

PROCEEDINGS AGAINST JOSEPH AIUPPA ALIAS ANTON  
PALUNAS ALIAS JOEY O'BRIEN FOR CONTEMPT OF THE  
SENATE

FEBRUARY 8 (legislative day, JANUARY 29), 1951.—Ordered to be printed

Mr. KEFAUVER, from the Special Committee To Investigate Organized  
Crime in Interstate Commerce, submitted the following

## REPORT

[To accompany S. Res. 66]

The Special Committee To Investigate Organized Crime in Interstate Commerce as created and authorized by the United States Senate by Senate Resolution 202, Eighty-first Congress, second session, caused to be issued a subpoena to Joseph Aiuppa alias Anton Palunas alias Joey O'Brien, of Cicero, Ill. The said subpoena directed Joseph Aiuppa to be and appear before the said committee forthwith, at their committee room, 900 HOLC Building, First and Indiana Avenue NW., Washington, D. C., then and there to testify touching matters of inquiry committed to said committee and not to depart without leave of said committee. The date of issuance of the subpoena was the 26th day of August 1950. Attendance pursuant to said subpoena was had on January 19, 1951, at Cleveland, Ohio, in United States Court, room 312, Federal Building, at which time the witness appeared. The subpoena served upon said Joseph Aiuppa is set forth as follows:

## UNITED STATES OF AMERICA

## CONGRESS OF THE UNITED STATES

To ANTON PALUNAS, ALIAS JOSEPH AIUPPA, ALIAS JOEY O'BRIEN, *Greeting:*

Pursuant to lawful authority, you are hereby commanded to appear before the Committee on Senate Committee To Investigate Organized Crime in Interstate Commerce of the Senate of the United States, on forthwith, 1950, at their committee room, 900 HOLC Building, First and Indiana Avenue NW., Washington, D. C., then and there to testify what you may know relative to the subject matters under consideration by said committee, and bring with you:

1. All ledgers, vouchers, canceled checks, check stubs, bank deposit slips, bank statements, financial statements, notes, copies of tax returns, records of accounts receivable and payable, and records of cash receipts and disbursements, for the period from January 1, 1940, to date;

2. All books, records, or other documents showing ownership of, or other holding or interest in any business company or enterprise, or in any property, real, personal or intangible, for the period from January 1, 1940, to date;

## 2 PROCEEDINGS AGAINST JOSEPH AIUPPA, ALIAS ANTON PALUNAS

3. All correspondence relating to the subject matter referred to in paragraph 2 hereof, for the period from January 1, 1940, to date.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To ----- to serve and return.

Given under my hand, by order of the committee, this 26th day of August, in the year of our Lord one thousand nine hundred and fifty.

ESTES KEFAUVER,  
*Chairman, Committee on Senate Committee To Investigate  
Organized Crime in Interstate Commerce.*

The said subpoena was duly served as appears by the return made thereon by Daniel McCain, who was duly authorized to serve the said subpoena. The return of the service by the said Daniel McCain, being endorsed thereon, is set forth as follows:

NOVEMBER 8, 1950.

I made service of the within subpoena by personal service on the within-named Anton Palunas, alias Joseph Aiuppa, alias Joey O'Brien, at in front of his home, 1836 S. 58th Avenue, Cicero, Illinois, at 8 o'clock p. m., on the Eighth day of November, 1950.

DANIEL I. MCCAIN.

The said Joseph Aiuppa, pursuant to said subpoena and in compliance therewith, appeared before the said committee to give such testimony as required by virtue of Senate Resolution 202, Eighty-first Congress, second session. Joseph Aiuppa having appeared as a witness and having been asked questions, which questions were pertinent to the subject matter under inquiry, made answers as appeared in the records of the hearing on January 19, 1951, at United States Courtroom 312, Federal Building, Cleveland, Ohio, which record is annexed hereto and made a part hereof and designated annex I.

As a result of said Joseph Aiuppa's refusal to answer the questions pursuant to the said inquiry, as appears in the record annexed, consisting of pertinent excerpts from the testimony of that day, the committee was prevented from receiving testimony and evidence concerning the matter committed to said committee in accordance with the terms of said subpoena served upon this witness.

The committee was therefore deprived of answers to questions pursuant to the committee's inquiry propounded to Joseph Aiuppa pertinent to the subject matter which under Senate Resolution 202, Eighty-first Congress, second session, the said committee was instructed to investigate, and the refusal of the witness to answer questions as set forth in annex I, is a violation of the subpoena under which the witness was directed to appear and answer pertinent questions to the subject under inquiry, and his persistent and illegal refusal to answer the aforesaid questions deprived the committee of necessary and pertinent testimony and places this witness in contempt of the United States Senate.

The subcommittee hearing at which said witness refused to answer said questions was duly authorized by a resolution of the said committee, as set forth below:

### SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE COMMERCE

#### MINUTES OF A COMMITTEE MEETING, JANUARY 3, 1951

The committee held an executive session. There were present Senators Kefauver, Wiley, and Hunt.

It was duly resolved on motion made by Senator Hunt and seconded by Senator Wiley that the chairman be and hereby is authorized at his discretion to appoint

one or more subcommittees of one or more Senators, of whom one member shall be a quorum for the purpose of taking testimony and all other committee acts, to hold hearings at such time and places as the chairman might designate in furtherance of the committee's investigations of organized crime in the vicinities of the cities of Cleveland, Ohio, and Detroit, Mich.

ESTES KEFAUVER, *Chairman.*

ALEXANDER WILEY.

LESTER C. HUNT.

In accordance with the resolution of January 3, 1951, the chairman designated himself as a subcommittee of one to swear witnesses and to hear testimony at Cleveland, Ohio, on January 17 through 19, 1951.

After reviewing the testimony and other facts as set forth herein, the committee adopted a resolution, as set forth below:

SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE  
COMMERCE

MINUTES OF A COMMITTEE MEETING, JANUARY 29, 1951

The committee met at 3 p. m., in the Senate District Room, United States Capitol. There were present the chairman and Senators O'Connor, Hunt, Wiley, and Tobey. The chairman presented to the committee the minutes of the committee meeting of January 19, 1951, together with a resolution made on January 3, 1951. The chairman stated to the committee that the chairman had designated a subcommittee to hear continued testimony in connection with organized crime in the city of Cleveland, Ohio, pursuant to the resolution of January 3, 1951, the subcommittee consisting of the chairman.

The chairman then presented to the committee the minutes of said subcommittee meeting of January 19, 1951, held in courtroom 312, Federal Building, Cleveland, Ohio.

The chairman stated to the committee that the witness, Joseph Aiuppa, repeatedly, consistently, and arbitrarily had refused to answer questions put to him throughout counsel and chairman's examination of said witness on January 19, 1951, and that his refusal therefore was improper and contemptuous.

The chairman presented to the committee a draft report on the entire matter for the committee's consideration and the committee duly adopted the said report and instructed the chairman to present said report to the United States Senate.

Therefore, upon motion of Senator O'Connor, duly seconded by Senator Wiley, it was duly resolved that the committee present to the United States Senate, for its immediate action, a resolution requiring the United States attorney for the Northern District of Ohio to proceed against the said Joseph Aiuppa in the manner and form provided by law.

ANNEX I

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE  
COMMERCE

UNITED STATES SENATE,  
SPECIAL COMMITTEE TO INVESTIGATE  
ORGANIZED CRIME IN INTERSTATE COMMERCE,  
*Cleveland, Ohio, January 19, 1951.*

The committee met, pursuant to adjournment, at 9:45 a. m., in room 318, Federal Building, Senator Estes Kefauver (chairman) presiding.

Present: Senator Estes Kefauver.

Also present: Rudolph Halley, chief counsel; Joseph L. Nellis, assistant counsel; George S. Robinson, associate counsel; John McCormick, investigator.

The CHAIRMAN. The committee will come back in session. I regret this difficulty but we asked this witness to come here from Chicago and apparently he has been here all day and we just didn't find out about it somehow.

Mr. Aiuppa, do you solemnly swear the testimony you will give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. AIUPPA. I do.

The CHAIRMAN. All right, Mr. Robinson.

4 PROCEEDINGS AGAINST JOSEPH AIUPPA, ALIAS ANTON PALUNAS

Mr. ROBINSON. State your full name please, Mr. Aiuppa.

Mr. AIUPPA. Joseph Aiuppa.

Mr. ROBINSON. Where do you live, Mr. Aiuppa?

Mr. AIUPPA. 1836 Fifty-eighth Avenue, Cicero, Ill.

Mr. ROBINSON. Mr. Aiuppa, do you have a place in Wisconsin?

Mr. AIUPPA. Gentlemen, I must stand on my constitutional rights. I will refuse to answer all questions on the grounds it may tend to incriminate me.

Mr. ROBINSON. The specific question is, Mr. Aiuppa, Whether you have a place in Wisconsin?

Mr. AIUPPA. I refuse to answer on my constitutional rights.

The CHAIRMAN. Well, Mr. Aiuppa, the chairman directs you to answer that question.

Mr. AIUPPA. I refuse to answer that question for it may tend to incriminate me.

Mr. ROBINSON. How old are you, Mr. Aiuppa?

Mr. AIUPPA. I refuse to answer.

Mr. ROBINSON. You refuse to answer how old you are?

Mr. AIUPPA. I refuse to answer all questions.

The CHAIRMAN. Anyway, the chairman directs you to answer. Let me make it plain to you. We are just trying to get some facts and information for a Senate report, Mr. Aiuppa. This is not a court, you are not on trial for anything, and we want to treat you fairly but, of course, we are not going to get along very well if you won't even tell us where you live and how old you are.

Go ahead, Mr. Robinson.

Mr. ROBINSON. Mr. Aiuppa, you are a partner, are you not, with R. J. Ansone, Claude Maddocks or John "Screw" Moore, and Harry Miler, and Ray Johnston in Taylor & Co.; isn't that true?

Mr. AIUPPA. I stand on my constitutional rights.

The CHAIRMAN. Wait a minute. Do you refuse to answer?

Mr. AIUPPA. On the grounds it may tend to incriminate me.

The CHAIRMAN. Well, the chairman directs you to answer that question. Do you refuse?

Mr. AIUPPA. I still refuse, Senator.

The CHAIRMAN. Next question.

Mr. ROBINSON. Do you refuse on the ground it may tend to incriminate you or that it would tend to incriminate you?

Mr. AIUPPA. It may tend to incriminate me.

Mr. ROBINSON. Mr. Aiuppa, what is the business of Taylor & Co.?

Mr. AIUPPA. I refuse to answer on the grounds it may tend to incriminate me.

Mr. ROBINSON. Taylor & Co. is a legitimate business, isn't it?

Mr. AIUPPA. I refuse to answer it, sir.

Mr. ROBINSON. Doesn't Taylor & Co.——

The CHAIRMAN. You are ordered to answer.

Mr. ROBINSON. Doesn't Taylor & Co. manufacture gambling equipment and dice, crap tables, roulette wheels?

Mr. AIUPPA. I stand on my constitutional rights.

The CHAIRMAN. You are ordered to answer that question.

Mr. AIUPPA. I refuse to answer that question.

Mr. ROBINSON. Do you know R. L. O'Donnell?

Mr. AIUPPA. I stand on my constitutional rights.

The CHAIRMAN. You are ordered to answer that question, too. Do you refuse?

Mr. AIUPPA. I refuse to answer upon the same grounds.

Mr. ROBINSON. Do you know Anthony Accardo?

The CHAIRMAN. What is your answer?

Mr. AIUPPA. Refuse to answer.

The CHAIRMAN. You are ordered to answer.

Mr. AIUPPA. I stand on my constitutional rights.

Mr. ROBINSON. Do you know Tony Capezio?

Mr. AIUPPA. My answers is all the same.

The CHAIRMAN. Do you know him or not? And will you answer the question or not?

Mr. AIUPPA. I stand on my constitutional right.

The CHAIRMAN. The chairman orders you to answer the question, Mr. Aiuppa.

Mr. AIUPPA. I refuse to answer.

Mr. HALLEY. Where were you born?

Mr. AIUPPA. I refuse to answer that question.

Mr. HALLEY. Are you married?



Mr. AIUPPA. Refuse to answer that on the same grounds.

Mr. HALLEY. Do you have any children?

Mr. AIUPPA. Still refuse to answer on the same grounds.

Mr. HALLEY. Where is your residence?

Mr. AIUPPA. I answered that question.

Mr. HALLEY. Where is it?

Mr. AIUPPA. I refuse to answer on the same grounds. I have answered it once.

Mr. HALLEY. Do you have a residence? Mr. Aiuppa, do you have a residence? Do you have a legal residence in any particular State?

(No response.)

Mr. HALLEY. It is a simple enough question.

The CHAIRMAN. Do you or not, Mr. Aiuppa? If you won't answer, just say that you refuse to answer.

Mr. HALLEY. Let the record show that the witness has made no answer whatsoever of any kind but stands mute. Mr. Chairman, will you direct the witness to answer?

The CHAIRMAN. You are directed to answer those questions, the last question and the previous questions.

Mr. AIUPPA. My answer is the same. I refuse.

Mr. ROBINSON. Mr. Aiuppa, did you at one time operate a handbook and pool room at 4831 West Cermac Road?

The CHAIRMAN. What is your answer, Mr. Aiuppa?

(No response.)

The CHAIRMAN. If you refuse to answer, just tell us you refuse to answer so we will know there is no use of sitting here.

(No response.)

The CHAIRMAN. What is your answer, sir?

(No response.)

Mr. HALLEY. Let the record show that the witness just sits there mute, chewing gum, saying nothing.

Mr. ROBINSON. And in 1943, Mr. Aiuppa, was the total amount wagered at that handbook approximately \$400,000?

(No response.)

The CHAIRMAN. Did you operate a handbook, Mr. Aiuppa?

(No response.)

The CHAIRMAN. Will you answer yes or no or say that you refuse to answer?

(No response.)

The CHAIRMAN. Well, let the record again show that Mr. Aiuppa just sits and refuses to answer the question one way or another or say anything at all.

Mr. ROBINSON. Did you operate in 1947, Mr. Aiuppa, a handbook at the same address at which the total amount wagered was approximately \$1,900,000?

(No response.)

The CHAIRMAN. Will you answer, Mr. Aiuppa?

(No response.)

Mr. ROBINSON. In that year, Mr. Aiuppa, did your handbook receive its wire service from the R. & H., Publishing Co.?

(No response.)

The CHAIRMAN. Let the record show the witness refuses to say anything.

Mr. ROBINSON. Mr. Aiuppa, what is the Greyhound Recreation?

(No response.)

The CHAIRMAN. Again let the record show the witness is mute.

Mr. ROBINSON. What is the total volume of business done by the Taylor & Co., Mr. Aiuppa?

(No response.)

The CHAIRMAN. Let the record show the witness is mute.

Mr. ROBINSON. Would you say that—

The CHAIRMAN. I don't think there is much use, Mr. Robinson, of going on with this witness.

Mr. Aiuppa, you are continued under subpoena of this committee without additional subpoena having to be served on you.

Mr. ROBINSON. May I ask one more question?

The CHAIRMAN. All right.

Mr. ROBINSON. Mr. Aiuppa, at the time you entered into the partnership with Claude Maddocks, did you have any knowledge of his criminal record?

(No response.)

Mr. ROBINSON. Do you know James Attude?

6 PROCEEDINGS AGAINST JOSEPH AIUPPA, ALIAS ANTON PALUNAS

(No response.)

The CHAIRMAN. Let the record show to those questions he is remaining mute. Well, Mr. Aiuppa, you are just not going to answer any questions, is that your idea?

(No response.)

The CHAIRMAN. Let the record show in answer to that he remains mute.

I think I might call your attention to the fact that each proper question you refuse to answer I hope will be adjudged to be a separate offense, but you still refuse to answer any questions?

(No response.)

The CHAIRMAN. Let the record show he refuses to say anything whatsoever, that Mr. Robinson, and Mr. Halley, and Mr. Nellis are present.

You remain under a subpoena and we will take whatever action we can to see that you don't get by with this contemptuous attitude toward a committee of the United States Senate, Mr. Aiuppa. That will be all.

ANNEX II

The committee has received the following memorandum from its chief counsel, which sets forth the legal opinion of its staff with reference to the contempts committed by Joseph Aiuppa, alias Anton Palunas alias Joey O'Brien:

JANUARY 29, 1951.

MEMORANDUM TO SENATOR ESTES KEFAUVER, CHAIRMAN, RE CONTEMPT OF JOSEPH AIUPPA (S. RES. 66)

I have examined the record of the testimony of Joseph Aiuppa in addition to hearing it at the time it was given, and it is my opinion, which has previously been conveyed to the committee, that the refusal by Joseph Aiuppa to answer questions was contemptuous of the United States Senate and its Special Committee To Investigate Organized Crime in Interstate Commerce.

As chief counsel of the committee, with the advice and concurrence of the committee's legal staff, I have advised the committee and now certify that the contempts complained of are, in my opinion, punishable as a matter of law. In those instances where the witness asserted a claim of privilege, it is my opinion that the claim was not made in good faith inasmuch as there was no reasonable relationship between the questions asked and a line of proof which might incriminate the witness under any Federal statute.

In certifying contempt proceedings, this committee and its counsel have carefully distinguished between refusals to answer based on an arbitrary or fanciful claim of privilege from refusals to answer questions where a claim of privilege might be raised with even a minimum possibility that the witness might be incriminated under any of the laws of the United States.

RUDOLPH HALLEY,  
Chief Counsel.